



# Sheriff Courts (Scotland) Act 1971

## 1971 CHAPTER 58

### PART I

#### CONSTITUTION, ORGANISATION AND ADMINISTRATION

*[<sup>F1</sup> Functions of the sheriff principal in relation to sheriffs, etc.*

**[<sup>F1</sup>17 Sheriff principal may fix sittings and business of sheriff courts in sheriffdom, and sessions for civil business.**

- (1) The sheriff principal of each sheriffdom may by order prescribe—
  - (a) the number of sheriff courts to be held at each of the places within that sheriffdom at which a court is required under or by virtue of this Act to be held,
  - (b) subject to section 25(2) of this Act, the days on which and the times at which those courts are to be held,
  - (c) the descriptions of business to be disposed of at those courts.
- (2) The sheriff principal of each sheriffdom shall by order prescribe the dates of the sessions to be held in the sheriff courts of that sheriffdom for the disposal of civil business, and may prescribe different dates in relation to different courts, so however that—
  - (a) there shall be held in the courts of each sheriffdom three sessions in each year for the disposal of civil business, that is to say, a winter session, a spring session and a summer session;
  - (b) the dates of the sessions prescribed under this subsection shall not be such as to allow, in any court, a vacation of longer than two weeks at Christmas time, four weeks in the spring and eight weeks in the summer.
- (3) The sheriff principal of each sheriffdom shall, before the end of the spring session in each year, fix in respect of each sheriff court in that sheriffdom at least one day during the vacation immediately following that session for the disposal of civil business in that court, and shall, before the end of the summer session in each year, fix in respect of each court at least two days during the vacation immediately following that session

*Status: Point in time view as at 24/06/2013. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Sheriff Courts (Scotland) Act 1971, Section 17. (See end of Document for details)*

for the said purpose; but civil proceedings in the sheriff courts may proceed during vacation as during session, and interlocutors may competently be pronounced during vacation in any such proceedings.

- (4) A sheriff principal shall give notice of any matter prescribed or fixed by him under the foregoing provisions of this section in such manner as he may think sufficient for bringing that matter to the attention of all persons having an interest therein.

[ Subsections (1) to (4) are subject to section 2(2)(a) and (3) of the Judiciary and  
<sup>F2</sup>(4A) Courts (Scotland) Act 2008 (asp 6) (which make the Head of the Scottish Judiciary responsible for maintaining arrangements for securing the efficient disposal of business in the Scottish courts and require compliance with directions given in pursuance of that responsibility).]

- (5) Subject to anything done under subsection (1) above, or by an order under section 2(1) or section 3(2) of this Act, after the commencement of this Act—
- (a) there shall be held at each of the places at which a sheriff court was in use to be held immediately before such commencement the same number of courts as was in use to be held there immediately before such commencement;
  - (b) the court days and times in use to be observed in any sheriff court immediately before such commencement (whether in pursuance of any enactment or other instrument or otherwise) shall continue to be observed in that court;
  - (c) the descriptions of business in use to be dealt with on court days in any sheriff court immediately before such commencement shall continue to be dealt with on those days.
- (6) Without prejudice to subsection (5) above, any enactment or other instrument in force immediately before the commencement of this Act shall, to the extent that it contains provisions with respect to any matter which the sheriff principal has power to prescribe under subsection (1) above, cease to have effect.]

#### **Textual Amendments**

- F1** Ss. 12A-12F and cross-heading substituted (20.2.2010 for the insertion of s. 12C(5) and 1.4.2010 otherwise) for s. 12 by [Judiciary and Courts \(Scotland\) Act 2008 \(asp 6\)](#), **ss. 40, 76**; S.S.I. 2010/39, **art. 2, Sch.** (with art. 3)
- F2** [S. 17\(4A\)](#) inserted (1.4.2010) by [Judiciary and Courts \(Scotland\) Act 2008 \(asp 6\)](#), **ss. 47(4), 76**; S.S.I. 2010/39, **art. 2(b), Sch.**

#### **Modifications etc. (not altering text)**

- C1** [S. 17\(1\)\(b\)](#) amended by [Bail etc. \(Scotland\) Act 1980 \(c. 4, SIF 39:1\)](#), **s. 10(2)**

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Sheriff Courts (Scotland) Act 1971, Section 17.